

4. **WHEREAS**, the New York State Department of Taxation and Finance was not named in the initial Summons and Complaint and Notice of Pendency; and

5. **WHEREAS**, Plaintiff seeks to include the New York State Department of Taxation and Finance as a party defendant in the instant action, *nunc pro tunc*, subject to the Notice of Pendency filed on January 27, 2020; and

6. **IT IS HEREBY STIPULATED AND AGREED**, by the undersigned, that the New York State Department of Taxation and Finance consents to be named as a party defendant in the instant action, *nunc pro tunc*, subject to the Notice of Pendency filed on filed on January 27, 2020; and it is further;

7. **STIPULATED AND AGREED AND ACKNOWLEDGED**, that the undersigned New York State Department of Taxation and Finance having been provided with a copy of the Summons, Complaint, Notice of Pendency and Certificate of Merit Pursuant to 3012-B, hereby waives service of the Summons and Complaint and is permitted leave to make a claim to any Surplus Monies available at a future foreclosure sale; and it is further

8. **STIPULATED AND AGREED**, that the undersigned New York State Department of Taxation and Finance hereby waives service of all prior and future papers and notices of all proceedings herein except notice of application for discontinuance of action, referee's report of sale, and notice of all proceedings to obtain surplus monies; and it is further

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9. **STIPULATED AND AGREED**, for the purposes of the instant Stipulation, electronic or facsimile signatures shall be deemed original signatures.

FRIEDMAN VARTOLO LLP

*Attorneys for Plaintiff's assignee U.S. Bank
National Association, not in its individual capacity
but solely as trustee for RMTP Trust, Series 2021
Cottage-TT-V*

Dated: 9/22/22

Ronald P. Labeck

By: Ronald Labeck, Esq.

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**New York State Department of Taxation and
Finance**

Dated: 9/20/22


By: Kileen Davies, Esq.

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